

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

NATIONAL SURETY  
CORPORATION and FIREMAN'S  
FUND INSURANCE COMPANY,

Plaintiffs,

vs.

PAUL SIEWERT and SIEWERT  
RANCH AND FARM, LLC,

Defendants.

CV 22-20-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations, filed on January 13, 2023. (Doc. 10). Judge Cavan recommends this Court deny Defendant Siewert Ranch and Farm, LLC's Motion to Dismiss and Plaintiffs National Surety Corporation and Fireman's Fund Insurance Company's Motion for a Hearing on the Motion to Dismiss. (Doc. 6).


Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of the Findings and Recommendations. No objections were filed. When neither party objects, this Court reviews the findings and recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been

committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find Judge Cavan committed clear error.

IT IS ORDERED that United States Magistrate Judge Timothy Cavan’s Findings and Recommendations (Doc. 10) are ADOPTED IN FULL.

IT IS FURTHER ORDERED Defendant Siewert Ranch and Farm, LLC’s Motion to Dismiss (Doc. 4) and Plaintiffs National Surety Corporation and Fireman’s Fund Insurance Company’s Motion for a Hearing on the Motion to Dismiss (Doc. 9) are DENIED.

DATED this 30<sup>th</sup> day of January 30, 2023.

  
SUSAN P. WATTERS  
United States District Judge